

1 BILL NO. S-80-02- 07


2 SPECIAL ORDINANCE NO. S- 64-80

3 An Ordinance amending the City of
4 Fort Wayne Master Plan by abandoning
5 and vacating the alley lying between
6 Clinton Street and Clinton Court
7 from Darrow Street south to the south
8 line of Lots six (6) and sixty-one
9 (61) in Dreibelbiss Addition to the
10 City of Fort Wayne, Indiana.


11 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
12 WAYNE, INDIANA:

13 Section 1. That the Master Plan of the City of Fort Wayne,
14 Indiana, is hereby amended by abandoning and vacating the alley
15 lying between Clinton Street and Clinton Court from Darrow Street
16 south to the south line of Lots six (6) and sixty-one (61) in
17 Dreibelbiss Addition to the City of Fort Wayne, Indiana; provided
18 that the City Plan Commission shall first give notice and conduct
19 a public hearing and forward its recommendation in accordance with
20 the provisions of I.C. 18-7-5-46.

21 Section 2. That this Ordinance shall be effective upon pas-
22 sage and approval by the Mayor, subject to the requirement of
23 Section 1 above.

24 
25 Councilman

26 Approved as to form
27 and legality

28 
29 John E. Hoffman
30
31
32

Read the first time in full and on motion by Eastwick, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regular (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the day of June, 1980, at 6 o'clock M., E.S.T.

DATE: 2-12-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Eastwick, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOSS~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GIAQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>NUCKOLS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT, D.</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT, V.</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHOMBURG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 6-24-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK pre

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. S-64-80 on the 24th day of June, 1980.

ATTEST: (SEAL)
Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK pre
Vivian H. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1980, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK pre

Approved and signed by me this 2nd day of July 1980, at the hour of 4 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-80-02-07

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Master Plan by
abandoning and vacting the alley lying between Clinton
Street and Clinton Court from Darrow Street south to the
south line of Lots six (6) and sixty-one (61) in
Drebelbiss Addition to the City of Fort Wayne, Indiana

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

6-24-80
DATE CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK /re

RESOLUTION

69-41-15

69-41-15 5/21/80

WHEREAS, FORT WAYNE COMMUNITY SCHOOLS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

An alley running South from Darrow Street which runs parallel to and West of South Clinton Street, said alley to be vacated to the South line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

COUNTY OF ALLEN } SS:

I, Mark L. Akers, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held May 21st, 1980 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 21st DAY OF May, 1980

FORT WAYNE BOARD OF PUBLIC WORKS

Mark L. Akers

Mark L. Akers, Chairman

Herbert R. Gamache
Herbert R. Gamache, Member

Roberta Anderson-Staten
Roberta Anderson-Staten, Member

R E S O L U T I O N

WHEREAS, FORT WAYNE COMMUNITY SCHOOLS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

An alley running South from Darrow Street which runs parallel to and West of South Clinton Street, said alley to be vacated to the South line of Lots six (6) and sixty-one (61) in Dreibelbiss Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on March 17, 1980 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of part of a the dedicated alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Joyce Schlatter, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 24, 1980, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 15 DAY OF May 1980

FORT WAYNE CITY PLAN COMMISSION

Tu. Joyce Schlatter

Joyce Schlatter
Secretary

RECEIPT

Date 1-7

1980

No. **10902**

Received From Barrett, Barrett & McLaughlin

Address 3rd floor Lincoln Park

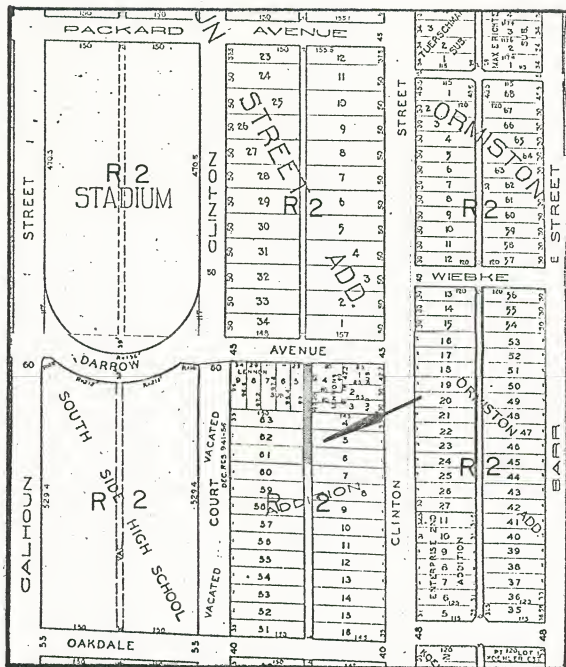
fifty Dollars \$ 50.00

For alley vacation

ACCOUNT		HOW PAID		
AMT. OF ACCOUNT		CASH		
AMT. PAID		CHECK	<input checked="" type="checkbox"/>	
BALANCE DUE		MONEY ORDER		

By FAIR

4564



REQUEST TO VACATE PART OF ALLEY

Map No. M-11

N

G-80-02-07

PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

RECEIVED
JAN 7 1980
FORT WAYNE CITY
PLAN COMMISSION

The undersigned Petitioner, Fort Wayne Community Schools, an Indiana School corporation, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following portion of alley within the City of Fort Wayne, Indiana, and hereby described as follows:

An alley running South from Darrow Street which runs parallel to and West of South Clinton Street, said alley to be vacated to the South line of Lots six (6) and sixty one (61) in Dreibelbiss Addition, as more particularly shown on attached Exhibit "A".

In support thereof, your Petitioner would represent as follows:

1. That it is the owner of the real estate abutting both sides of the alley.
2. That no other person, firm or corporation is interested in or affected by the requested vacation.
3. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that the said vacation would be in the best interest of the City and the citizens thereof.

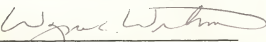
Your Petitioner files this petition pursuant to authority granted in Indiana Code, Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your Petitioner prays that the above described alley be vacated according to the provisions of Indiana Law pertaining thereto.

DATED THIS 7th DAY OF January, 1980.

FORT WAYNE COMMUNITY SCHOOLS
1230 South Clinton Street
Fort Wayne, Indiana 46802

By


Wayne I. Witmer, Attorney
395 Lincoln Bank Tower
Fort Wayne, Indiana 46802
Telephone: (219) 423-9551

SCALE : 200 FT. TO 1 INCH T.30N. R.12E. OF THE 2nd. P.M.

[illegible]

GRANT OF EASEMENT

Fort Wayne Community Schools, an Indiana School Corporation, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the City of Fort Wayne, Indiana and Michigan Electric Company, and Citizens Cable of Fort Wayne, Inc., and General Telephone Company, an easement for the construction, operation and maintenance of utility lines and facilities in, over, upon and across the following described real estate of the Grantor in the City of Fort Wayne, Allen County, Indiana:

That portion of an alley running south from Darrow Street, parallel to and West of South Clinton Street, being vacated by Bill #G-80-02-07, as more particularly shown and described on attached Exhibit "A", which by this reference is incorporated herein.

IN WITNESS WHEREOF, the Grantor has executed this instrument on the 30th day of April, 1980.

FORT WAYNE COMMUNITY SCHOOLS,
an Indiana School Corporation

By *Lester L. Grile*
Lester L. Grile, Superintendent

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a notary public for this County and State, personally appeared Lester L. Grile, known to me to be the Superintendent of the Fort Wayne Community Schools, an Indiana School Corporation, and acknowledged his execution of this instrument by due and regular corporate authority as the free act and deed of said corporation.

E. Jean Brumbaugh
E. Jean Brumbaugh, Notary Public

My Commission Expires: 12-26-81
Resident of Allen County

This Instrument Prepared by Wayne L. Witmer, Attorney at Law

TITLE OF ORDINANCE Alley Vacation OrdinanceDEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P *2-80-02-07*

SYNOPSIS OF ORDINANCE An alley running South from Darrow Street, which runs
parallel to and West of South Clinton Street, said alley to be vacated to the
South line of Lots six (6) and sixty-one (61) in Dribelbiss Addition.

EFFECT OF PASSAGE Property is now public right-of-way. Property will be
closed as public right-of-way.

EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____